

00-*h*-1205

(Do Not Write Above This Line)

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:

A RESOLUTION AUTHORIZING THE
SETTLEMENT OF ALL CLAIMS IN THE CASE
OF LAWRENCE F. PINSON V. GEORGIA
DEPARTMENT OF TRANSPORTATION AND
CITY OF ATLANTA. CIVIL ACTION FILE
NO. E-62054, SUPERIOR COURT OF FULTON
COUNTY, GEORGIA, IN AN AMOUNT NOT TO
EXCEED \$4,000.00; AUTHORIZING THE
CHIEF FINANCIAL OFFICER TO PAY SAID
SETTLEMENT AMOUNT; AND FOR OTHER
PURPOSES.

Susan Pease Langford
SUSAN PEASE LANGFORD
CITY ATTORNEY

ADOPTED BY

AUG 07 2000

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair *C.T. Martin*
Referred to _____

Committee <i>P.S. & L.A.</i>	Committee _____
Date <i>8/1/00</i>	Date _____
Chair <i>C.T. Martin</i>	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members <i>[Signature]</i>	Members _____
_____	_____
_____	_____
_____	_____
Refer To _____	Refer To _____

Committee _____	Committee _____
Date _____	Date _____
Chair _____	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members _____	Members _____
_____	_____
_____	_____
_____	_____
Refer To _____	Refer To _____

FINAL COUNCIL ACTION

- ☐ 2nd ☒ 1st & 2nd ☐ 3rd
- Readings
- ☒ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
AUG 7 2000

CERTIFIED
AUG 07 2000

Rachel Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

AUG 16 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

00-*R*-1205

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS
IN THE CASE OF LAWRENCE F. PINSON V. GEORGIA DEPARTMENT
OF TRANSPORTATION AND CITY OF ATLANTA, CIVIL ACTION
FILE NO. E-62054, SUPERIOR COURT OF FULTON COUNTY,
GEORGIA, IN AN AMOUNT NOT TO EXCEED \$4,000.00;
AUTHORIZING THE CHIEF FINANCIAL OFFICER TO PAY SAID
SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

WHEREAS, Plaintiff, Lawrence F. Pinson, sued the City of Atlanta and the Georgia Department of Transportation for nuisance, trespass and inverse condemnation in the case styled: Lawrence F. Pinson v. Georgia Department of Transportation and City of Atlanta, Civil Action File No. E-62054; Superior Court of Fulton County, Georgia, seeking in excess of \$300,000 in property damages; and

WHEREAS, Plaintiff seeks damages arising from the alleged repeated flooding to his residential property located in the Collier Hills section of Atlanta at 1582 Walthall Court, Atlanta, Georgia, 30318; and

WHEREAS, Plaintiff alleges that the City of Atlanta owned and failed to properly maintain a 42 inch concrete pipe which steps down to 36 inches under Walthall Court, adjacent to his property at 1582 Walthall Court; and

WHEREAS, Plaintiff alleges that the storm water drain pipe was inadequate in that the step-down from 42 inches to 36 inches trapped debris resulting in an impoundment of water that has repeatedly inundated the Plaintiff's yard and that the failure of the City to maintain the pipe for more than five years resulted in flood damage to his property; and

WHEREAS, Plaintiff alleges that this problem is worse due to flow which has increased substantially as a result of the run-off from the I-75 and Northside Drive interchange constructed by Georgia Department of Transportation; and

WHEREAS, allegedly due to the large increase of water in the concrete pipe, Plaintiff contends that he has suffered foundation damage to his Property from moving and standing water, debris, loss of soil, and consolidation and compaction of the granular soils and leaching of clay into minute groundwater channels and erosion of the stream bank; and

WHEREAS, the Plaintiff has agreed to accept the sum of Twenty Nine Thousand Dollars and no cents (\$29,000.00) from the Georgia Department of Transportation; and



WHEREAS, the Plaintiff has agreed to accept the sum of Four Thousand Dollars and no cents (\$4,000.00) as full and complete satisfaction and settlement of his lawsuit against Defendant City of Atlanta; and

WHEREAS, the City Attorney has conducted an extensive review of the facts and the law surrounding this case and has determined that it is desirable and in the best interest of the City to resolve this matter by settlement with the Plaintiff and recommends that the City pay its share of the settlement in the amount of Four Thousand Dollars and no cents (\$4,000.00) to settle all claims of Plaintiff, inclusive of costs, attorney's fees and interest.

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the City Attorney is authorized to conclude the settlement of all the claims of the Plaintiff against the City of Atlanta in the case styled: Lawrence F. Pinson v. Georgia Department of Transportation and City of Atlanta, Civil Action File No. E-62054; Superior Court of Fulton County, Georgia, for \$4,000.

SECTION 2: That the Chief Financial Officer is authorized to pay Plaintiff, Lawrence F. Pinson, and his attorney, Susan M. Garrett, jointly, the sum of Four Thousand Dollars (\$4,000.00), to be paid from fund, account and center 1A01 529017 T31001.

SECTION 3: That the City Attorney is directed to prepare any releases and other settlement documents necessary to protect the City's interests in the settlement of this matter.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

AUG 07, 2000

AUG 16, 2000

RCS# 2153
8/07/00
4:06 PM

Atlanta City Council

Regular Session

CONSENT 1

Pages 1-15 KP

Adopt

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty
Y Starnes
Y Bond
Y Winslow

Y Dorsey
Y Woolard
Y Morris
Y Muller

Y Moore
Y Martin
Y Maddox
Y Boazman

Y Thomas
B Emmons
Y Alexander
NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-1102
00-R-1197
00-R-1106
00-R-1123
00-R-0721

08/07/00 Council Meeting		
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSESED ON CONSENT AGENDA
1. 00-O-1009 2. 00-O-1010 3. 00-O-1011 4. 00-O-1012 5. 00-O-1079 6. 00-O-0834 7. 00-O-1065 8. 00-O-1004 9. 00-O-1112 10. 00-R-1139 11. 00-R-1140 12. 00-R-1141 13. 00-R-1142 14. 00-R-1144 15. 00-R-1204 16. 00-R-1208 17. 00-R-1209 18. 00-R-1210 19. 00-R-1106 20. 00-R-1146 21. 00-R-1147 22. 00-R-1194 23. 00-R-1203 24. 00-R-1205 25. 00-R-1212 26. 00-R-1213 27. 99-R-1145 28. 99-R-1932 29. 00-R-1108 30. 00-R-1110 31. 00-R-1129 32. 00-R-1130 33. 00-R-1131 34. 00-R-1134 35. 00-R-1206 36. 00-R-1121 37. 00-R-0329 38. 00-R-1136 39. 00-R-1137 40. 00-R-1138	41. 00-R-1175 42. 00-R-1176 43. 00-R-1177 44. 00-R-1178 45. 00-R-1179 46. 00-R-1180 47. 00-R-1181 48. 00-R-1182 49. 00-R-1183 50. 00-R-1184 51. 00-R-1185 52. 00-R-1186 53. 00-R-1187 54. 00-R-1188 55. 00-R-1189 56. 00-R-1190 57. 00-R-1191 58. 00-R-1192 59. 00-R-1193 60. 00-R-1199 61. 00-R-1200 62. 00-R-1201 63. 00-R-1202	64. 00-R-1148 65. 00-R-1149 66. 00-R-1150 67. 00-R-1151 68. 00-R-1152 69. 00-R-1153 70. 00-R-1154 71. 00-R-1155 72. 00-R-1156 73. 00-R-1157 74. 00-R-1158 75. 00-R-1159 76. 00-R-1160 77. 00-R-1161 78. 00-R-1162 79. 00-R-1163 80. 00-R-1164 81. 00-R-1165 82. 00-R-1166 83. 00-R-1167 84. 00-R-1168 85. 00-R-1169 86. 00-R-1170 87. 00-R-1171 88. 00-R-1172 89. 00-R-1173 90. 00-R-1174